HON'BLE SHRI JUSTICE NOOTY RAMAMOHANA RAO

W.P. No.22147 of 2007

12.10.2007

Between

Sama Ganga Reddy and others ..Petitioners

AND

The Addl. Agent to the Government, Adilabad District and others ..Respondents

:: JUDGMENT :

HON'BLE SHRI JUSTICE NOOTY RAMAMOHANA RAO

W.P. No.22147 of 2007

Heard the learned counsel for the petitioners and the learned Government Pleader for Social Welfare.

The Special Deputy Collector (Tribal Welfare), Adilabad Headquarters at Utnoor passed orders in his proceedings in T.W.A.2/172/97 against the writ petitioners herein on 5.7.1997 ordering their ejectment from out of the land of an extent of Ac.7.25 guntas and Ac.0.20 guntas in S.Nos.135 and 136 respectively of Ruyyadi Village of Talamadugu Mandal, Adilabad District. It is not in dispute that against this order of the Special Deputy Collector, an Appeal is provided to the Additional Agent to the Government and Project Officer, I.T.D.A., Utnoor, Adilabad District under Section 8 of the A.P. Scheduled Areas Land Transfer Regulation Act, 1959. The writ petitioners have asserted that such an Appeal had been preferred and along with the Appeal, an Interlocutory Application was also moved seeking stay of the operation of the orders of the Special Deputy Collector dated 5.7.1997. The Appeal filed by the petitioners in L.T.R./A4/24/97 has been dismissed by the first respondent by an order dated 2.12.2006 directing the Mandal Revenue Officer, Talamagudu Mandal to take over the possession of the schedule land. Aggrieved by the orders passed by the first respondent, the writ petitioners preferred a Revision before the Government along with an interlocutory application.

It is asserted that the fourth respondent is so preoccupied with other pressing works and consequently, is not in a position to take up the Revision preferred and no interlocutory orders could be obtained by the writ petitioners. In the meantime, the Special Deputy Collector and his subordinate officers are threatening the writ petitioners to

vacate from out of the scheduled land. Therefore, the present writ petition has been instituted.

Once a Revision is preferred to the fourth respondent, it is only expected that it will be attended to at the earliest convenient time. If the Revision itself cannot be decided, the Interlocutory Application moved by the parties seeking urgent interim orders could be attended to in the meantime. It is no doubt true that the fourth respondent is preoccupied with more pressing and important public functions, but that is no justification for not entertaining the Revisions pending before it.

In these set of circumstances, I consider it appropriate to direct the fourth respondent to entertain, hear and decide the Revision preferred against the orders of the Additional Agent to the Government dated 2.12.2006 on or before 30th June, 2008. Till such time, the *status quo* existing as of now with regard to possession be maintained. It is however open to the fourth respondent to independently consider the Interlocutory Application moved by the writ petitioners herein and decide the same even before it decides the Revision preferred to them.

With this, the writ petition stands disposed of.

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NOOTY RAMA MOHANA RAO.J.

12.10.2007
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